

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-18084 – APPLICANT/OWNER: JOSE LOPEZ

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/se/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04 for Private Streets use.
2. Approval of and conformance to the Conditions of Approval for Waiver (WVR-18085) and Parcel Map (PMP-13512) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. The private street shall be granted as a public utility easement (P.U.E), City of Las Vegas public sewer easement and public drainage easement to be privately maintained by the Homeowners' Association.
6. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
7. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for Private Streets in a single-family subdivision adjacent to the southeast corner of Maverick Street and Jo Marcy Drive. The project would create a four-lot single-family subdivision with access from Maverick Street.

This is a proposal for a new development with no existing streets and therefore unlike the conversion to private streets within an existing residential subdivision which is a Conditional Use, a Special Use Permit is required. The Private Streets use is not compatible with adjacent development, and therefore denial is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/09/06	Staff received a Parcel Map (PMP-13512) for review for a four lot parcel map. This is an administrative review pending approval of this Special Use Permit to allow the Private Streets use and a Wavier of Title 18.12.160 (WVR-18085).
01/25/07	The Planning Commission held this application and a companion Wavier of Title 18.12.160 (WVR-18085) in abeyance until the 02/8/07 PC.
02/08/07	The Planning Commission held this application and a companion Wavier of Title 18.12.160 (WVR-18085) in abeyance until the 02/22/07 PC.
02/22/07	<p>The Planning Commission recommended approval of companion item WVR-18085 concurrently with this application.</p> <p>The Planning Commission voted 4-2/se/bg to recommend APPROVAL (PC Agenda Item #18/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
This is an undeveloped lot with no building permits or business licenses related to this project approved or under review.	
<i>Pre-Application Meeting</i>	
09/05/06	A pre-application was held and elements of this application were discussed. It was noted that a wavier for intersection offsets was needed due to the 180 feet proposed offset where 220 feet is required. Additionally, it was noted that Traffic Engineering had no problem with the wavier of intersection separation and that the applicant must work with Fire Engineering regarding the gating of the private street. Further, Land Development discussed a drainage study and half-street improvements. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural)	R-E (Residence Estates)
North	Single-Family Residential	DR (Desert Rural)	R-E (Residence Estates)
South	Single-Family Residential	DR (Desert Rural)	R-E (Residence Estates)
East	Single-Family Residential	DR (Desert Rural)	R-E (Residence Estates)
West	Single-Family Residential	Clark County (RNP)	Clark County

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates)	2.0 DUA	4 Units
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates)	2.0 DUA	4 Units
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
DR (Desert Rural)	2.49 DUA	5 Units

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500’ of the City Boundary

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- 1) Flood Control requires a technical drainage study of the subject project to address and mitigate the drainage impact to the vicinity areas. The drainage study must be prepared by a Nevada registered civil engineer and submitted to the City of Las Vegas Flood Control Division for review and approval.
- 2) Las Vegas Valley Water District has determined that the project will not have a significant impact on the capacity of the District's water supply system.
- 3) Wastewater collection system has determined that the project will have minimal impacts.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	21,084 SF	Y
Min. Lot Width	100 Feet	141 Feet	Y
Min. Setbacks			
• Front	35 Feet *	>35 Feet	Y
• Side	10 Feet	>10 Feet	Y
• Corner	15 Feet	>15 Feet	Y
• Rear	35 Feet	>35 Feet	Y
Max. Building Height	2 Stories/35 Feet	2 Stories/35 Feet	Y

* Lots which front onto a public street shall maintain a minimum front yard setback of fifty feet. The minimum front setback for an attached, open porte-cochere is thirty feet. Lots which front onto a private street or a private access easement shall maintain a minimum setback of thirty feet from the edge of the private street access easement; provided, however, where such lots are located on a cul-de-sac or a street knuckle, the minimum front yard setback shall be twenty feet from the edge of the private street or access easement.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-E (Residence Estates)	2.0 Units/Acre	4 Units	R-E (Residence Estates)	2.0 Units/Acre	DR (Desert Rural)	2.49 Units/Acre

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single-Family Residential	4	2 Spaces Per Unit	8 Spaces	0 Spaces	8 Spaces	0 Spaces	Y
TOTAL (including handicap)	4	2 Spaces Per Unit	8 Spaces		8 Spaces		Y
Waivers							
Request			Requirement		Staff Recommendation		
Wavier of Title 18.12.160: To allow 180 feet btw intersections			220 feet btw intersections		PW Recommends - Approval		

ANALYSIS

This is a request for a Special Use Permit for Private Streets use in a single-family subdivision adjacent to the southeast corner of Maverick Street and Jo Marcy Drive. The conversion to private streets within an existing residential subdivision is a Conditional Use; however, because the proposed project is a new development with no existing streets, a Special Use Permit is required.

The project would create a four-lot single-family subdivision with entry to the site via a proposed private, gated entrance accessed from Maverick Street. The proposed internal street is a 40-foot wide private cul-de-sac.

The subject site is located within the Centennial Hills Sector of the General Plan. The site is categorized as DR (Desert Rural) under the General Plan with an R-E (Residence Estates) zoning designation. The DR (Desert Rural) designation allows a maximum of 2.49 dwelling units per gross acre. This category is a generally rural environment that permits greater privacy and some non-commercial raising of domestic animals. The zoning of R-E (Residence Estates) is in conformance with the DR (Desert Rural Density Residential) land use designation.

The site is located within the Rural Preservation Overlay District buffer area. The Rural Preservation Overlay District allows for a density of two units per acre. This project has a land use designation of DR (Desert Rural Density Residential), which allows a density of up to 2.49 units per acre. However, R-E (Residence Estates) zoning only allows a density of up to two units per acre which is in conformance with the provisions of this overlay district and is in keeping with the nature of the buffer area.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Private Streets use. In the area, there are no existing gated private streets. Further, the Private Streets use is not compatible with adjacent development. Staff is recommending denial because of the incompatibility of the Private Streets use with adjacent development.

Conditions:

Private Streets [All Residential Districts]

- (1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:
 - (a) The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and
 - (b) All the lots within the subdivision conform to the minimum lot size requirements of Title 19.
- (2) Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.
- (3) Access Restrictions. The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be manned twenty-four hours every day or provide an alternative means of ensuring access to the subdivision by the City and other emergency and utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written consent of the City.
- (4) Access Restricted Entrance Design Standards. Any private street which has access control gates or cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of fourteen feet in height above the road surface.
- (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used, maintained, or constructed as private streets. Also, the department may deny the creation of any other private street if it is determined that the private street would have any of the following effects:
 - (a) Negatively affect traffic circulation on public streets;
 - (b) Impair access to property either on-site or off-site to the subdivision;

- (c) Impair access to or from public facilities including schools, parks and libraries; or
 - (d) Delay the response time of emergency vehicles.
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- (6) **Property Owners' Associations Required.** Subdivisions developed with private streets must have a mandatory property owners' association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. Such documents are subject to review and approval by the City to ensure that adequate provision for maintenance has been made.
 - (7) **Private Street Requirements.** Private streets must be located on property that is separately owned by a property owners' association or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easements must also provide the City and protective service providers with the same right of access they would have if the streets were public streets.
 - (8) **Waiver of Services.** The subdivision final map, property deeds and property owners association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, preparation of accident reports and other services which may not be reasonably or properly available within a particular development. All private regulatory signs shall conform to State of Nevada regulations.
 - (9) **Special Use Permit.** In cases where a Special Use Permit is required to allow private streets that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not waivable in connection with a Special Use Permit approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

There are no existing gated private streets in the area. The 40-foot private street is not compatible with existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for the forty foot (40') wide private street within the proposed four-lot residential subdivision.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed development will have access from Maverick Street, a 55-foot local street right-of-way, which will provide adequate ingress/egress for the proposed single-family development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed private streets will be subject to inspections for compliance to Title 18 (Subdivision Ordinance) requirements and to City design standards and therefore will not compromise the public health, safety and welfare or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

PLANNING COMMISSION ACTION

There was significant discussion at the Planning Commission Meeting regarding the appropriateness of gating small communities in this area of the city.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 111 by City Clerk

APPROVALS 0

PROTESTS 0